

SAMUEL FORMAN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

BARBARA J. O'NEIL,)	
individually and as)	
successor in interest to)	
PATRICK J. O'NEIL,)	
Deceased,)	
MICHAEL P. O'NEIL, and)	CASE NO. BC 360 274
REGAN K. SCHNEIDER,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
BUFFALO PUMPS, INC.,)	
et al.,)	
)	
Defendants.)	

HG LITIGATION SERVICES
1-888-656-DEPO

EXCERPT

EXHIBIT 61

SAMUEL FORMAN

Page 5

1 MONDAY, JANUARY 7, 2008

2 BUFORD, GEORGIA

3 10:00 A.M.

4
5 MR. KIM: This is George Kim. This is the
6 deposition of Dr. Forman in the O'Neil case.

7 Before we get started, I will offer a
8 stipulation that the court reporter can remotely swear
9 the witness.

10 Any objection?

11 DEFENSE COUNSEL: No objection.

12 MR. KIM: I also offer a stipulation that an
13 objection by one defense counsel preserves the
14 objection for everyone on the line.

15 Any objection?

16 DEFENSE COUNSEL: No objection.

17 MR. KIM: Can you swear the witness, please.

18
19 (The oath was administered to the deponent,
20 SAMUEL FORMAN, as follows:)

21 THE REPORTER: Do you solemnly state, under
22 the penalty of perjury, that the testimony you shall
23 give in this deposition shall be the truth, the whole
24 truth, and nothing but the truth?

25 SAMUEL FORMAN: I do.

HG LITIGATION SERVICES
1-888-656-DEPO

SAMUEL FORMAN

Page 42

1 further knowledge of potential hazards.

2 Another document that I will point to
3 exhibiting the efforts is known as the Fleisher-Drinker
4 report, published in 1946, but reflecting a large-scale
5 health hazard evaluation of workers working with
6 asbestos thermal insulation products and in the
7 industrial environments related to them, both shipyards
8 controlled directly by the Navy and in contractor
9 shipyards.

10 This Fleisher-Drinker report reflected a
11 focus on workers working with thermal insulation,
12 working with this material as a full-time part of their
13 job in shipyards.

14 The Fleisher-Drinker study concluded that
15 asbestosis from the end users of thermal insulation was
16 not a very significant hazard.

17 In hindsight, given what we know now, that
18 was a major error. However, given the state of the
19 science at the time, it was one of the largest studies
20 of asbestos exposure hazards amongst workers that had
21 ever been done to that date and in hindsight was
22 falsely reassuring.

23 The Navy had adopted, as did the Maritime
24 Commission, in the minimum requirements documents the
25 permissible exposure limit recommended by government

SAMUEL FORMAN

Page 46

1 there did not seem to be at the workplace a concern
2 that workers outside of the full-time insulation trades
3 would be at risk of an asbestos-related disease.

4 Indeed, that does reflect fairly the Navy's
5 state of the art, in that it was still focusing its
6 concern on the full-time insulation workers, rather
7 than individuals such as boiler technicians and
8 machinist mates, who had some occasional exposure.

9 Further, on the basis of the extent of
10 discussion about potential exposures from gaskets and
11 packing, the government and Navy state of the art,
12 indeed the state of the art in general in the
13 mid-1960's, was not to have perceived a potential
14 hazard from airborne asbestos dust from working with
15 gaskets and packing at all.

16 Stated another way, work with gaskets and
17 packing was not perceived by the Navy, by the
18 government, nor by any practitioner of mainstream state
19 of the art of industrial hygiene, as being hazardous in
20 this time frame.

21 Q Now, the articles that you referenced, are
22 those all included in your CD of reliance documents?

23 A They are.

24 Q Do you have any information as to whether or
25 not the Navy ever provided any warning to its sailors